

GORLICK, KRAVITZ & LISTHAUS, P.C.

ATTORNEYS AT LAW

29 BROADWAY, 20<sup>TH</sup> FLOOR

NEW YORK, NEW YORK 10006-3218



BUFFALO OFFICE:

505 ELLICOTT STREET, SUITE A209

BUFFALO, NY 14203

(716) 881-0800

-----

BRUCE L. LISTHAUS

DENNIS LYONS

KATELYN M. MOLONEY

\*NY BAR ONLY

(212) 269-2500

FAX (212) 269-2540

WWW.GKLLAW.COM

NEW JERSEY OFFICE:

60 PARK PLACE, 6<sup>TH</sup> FLOOR

NEWARK, NJ 07102

(973) 824-8511

-----

LAWRENCE A. KRAVITZ (1994-2002)

BARBARA S. MEHLSACK (2004-2020)

-----

COUNSEL

ANDREW A. GORLICK\*

SARA J. VAN DYKE\*

April 18, 2024

**VIA ECF**

Hon. Jessica G. L. Clarke  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1040  
New York, NY 10007

**MEMO ENDORSED**

Re: *Mason Tenders District Council Welfare Fund et al v. New Land Interiors Corp. et al*, 22-cv-08565-VSB

Dear Judge Clarke,

The parties submit this joint request for (i) a thirty (30) day extension the April 22, 2024 deadline to submit a joint letter setting forth the parties' positions on settlement, mediation and dispositive motions and (ii) an adjournment of the May 1<sup>st</sup> Court conference. This is the parties' second request for an extension of the joint letter.

As a reminder, Plaintiffs are ERISA covered benefit funds and their claims in this action are primarily for fringe benefit contributions allegedly owed by Defendants. The claims were the result of an audit conducted by Plaintiffs' auditors of Defendants' books and records.

In the parties'<sup>1</sup> last status report (ECF Doc 42), the parties sought an extension of the deadline to file a joint letter setting forth the parties' positions on settlement, mediation and dispositive motions to permit the parties to negotiate for a settlement of this action.

Since that status report, Defendants provided Plaintiffs with documents and information addressing a significant number of Defendants' disputes with the audit findings. Plaintiffs required the assistance of their auditors, Schultheis & Panettieri LLP, to evaluate the information provided by Defendants. Plaintiffs' auditors are currently evaluating Defendants' data, and believe they will be able to provide their conclusions before the end of April. The parties believe that, if the information provided by Defendants cause the auditors to amend their findings as Defendants allege, the remaining claims would be settled.

---

<sup>1</sup> Defendant United Interior Renovations LLC has defaulted. The remaining defendants have appeared by their attorneys Echtman & Etkind, LLC and answered the complaint (see ECF Doc. 27).

GORLICK, KRAVITZ & LISTHAUS, P.C.

Hon. Jessica G. L. Clarke

April 18, 2024

Page 2

As a result, the parties respectfully request an extension of April 22, 2024 deadline to submit a joint letter setting forth the parties' positions on settlement, mediation and dispositive motions to May 22, 2024. This would permit the auditors time to complete their review, and for the parties to negotiate a settlement (or at least exhaust all efforts).

Likewise, given the real hope that this matter will be settled amicably, we also request that the May 1<sup>st</sup> Court conference be adjourned to a new date as well.

Please contact the undersigned with any questions, and thank you for your consideration of the foregoing.

Respectfully submitted,

GORLICK, KRAVITZ & LISTHAUS, P.C.

ECHTMAN & ETKIND, LLC

/s/ Dennis Lyons

Dennis Lyons, Esq.  
29 Broadway, 20th Floor  
New York, New York 10006  
212-269-2500  
dlyons@gkllaw.com

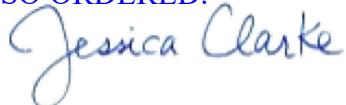
/s/ David Etkind

David Etkind, Esq.  
551 Fifth Avenue, 3rd Floor  
New York, New York 10176  
212-757-2310  
davidetkind@yahoo.com

The April 22, 2024 deadline for the parties to submit the joint letter, *see* ECF No. 38, is hereby EXTENDED to May 22, 2024.

The Clerk of Court is directed to terminate ECF No. 44.

SO ORDERED.



JESSICA G. L. CLARKE  
United States District Judge  
Dated: April 22, 2024  
New York, New York